

UNITED STATES BANKRUPTCY COURT FOR
THE MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

IN RE:

BRUCE W. TILLEY

CASE NO. 6:18-bk-02188-KSJ
CHAPTER 7

Debtor

SECURED CREDITOR'S RESPONSE TO TRUSTEE'S MOTION TO SELL REAL

PROPERTY AND PAY SECURED CREDITORS AND TRANSACTIONAL COSTS

[D.E. #28]

Secured Creditor, Deutsche Bank National Trust Company, as Trustee, in trust for the registered holders of Morgan Stanley ABS Capital I Inc. Trust 2006-HE8, Mortgage Pass-Through Certificates, Series 2006 HE8 (“Creditor”) hereby files its response to Trustee’s Motion To Sell Property And Pay Secured Creditors And Transactional Costs [D.E. #28], and respectfully states:

1. Trustee’s Motion relates to certain real property located in Okaloosa County, Florida, having an address of **154 Fort Smith Boulevard, Deltona, Florida 32738**, and legally described as more particularly set forth in the Motion.
2. Creditor owns and/or holds the first mortgage on said Property, in the original principal amount of \$209,000.00. Select Portfolio Servicing, Inc. services the underlying mortgage loan on behalf of Creditor.
3. The loan is contractually due for August 1, 2015, with an unpaid principal balance of \$160,623.38.
4. Debtor has surrendered the subject Property to the Creditor pursuant to the Statement of Intentions [D.E. #1].

5. Any sale of the subject Property must be subject to Creditor's lien and fully conditioned upon Creditor's approval of all terms and conditions of the sale, including (but not limited to) timelines, sales price and all monetary figures.

WHEREFORE, Creditor prays that this Court enter an Order:

1. Denying the Motion to Sell; or
2. (In the alternative), Ordering that any sale of the Property must be subject to, and fully conditioned upon Creditor's approval of such terms and conditions of the sale as Creditor may deem acceptable, in Creditor's sole and absolute discretion; and
3. Awarding such other relief as the Court deems proper.

Dated: March 22, 2019

Heller & Zion, L.L.P.
Attorneys for Secured Creditor
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By: /s/ Fran E. Zion, Esquire

Fran E. Zion, Esquire
Florida Bar No. 749273

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Response was served by CM/ECF system for all CM/ECF participants or first class U.S. Mail on the following persons or entities at the addresses listed:

Bruce W Tilley
154 Fortsmith Blvd.
Deltona, FL 32738

Michael P Kelton, Esq.
Paul & Elkind, PA
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Trustee
Arvind Mahendru
5703 Red Bug Lake Road
Suite 284
Winter Springs, FL 32708

U.S. Trustee
United States Trustee - ORL7/13
Office of the United States Trustee
George C Young Federal Building
400 West Washington Street, Suite 1100
Orlando, FL 32801

Dated: March 22, 2019

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